IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application. Please amend claims 1, 5-6, 10, 15, 17, 19, 23, 24, 28, 31, and 33, and add new claims 70-77 as follows:

Listing of Claims

1.   (Currently Amended) A data transmission device comprising:

a first generator for generating a first data stream that is utilized after the first data stream is accumulated in a recording medium on a receiving side;

a second generator for generating a second data stream that includes audio data and video data;

a multiplexer for multiplexing the first data stream <u>at a first coding rate</u> and <u>for additionally multiplexing the first data stream having the first coding rate into</u> the second data stream <u>by changing a transmission rate of the first data stream to a second coding rate lower than the first coding rate</u>;

a transmitter for transmitting the multiplexed data stream that has been multiplexed by the multiplexer; and

a controller for controlling the multiplexer so that [[a]] <u>the</u> transmission rate for the first data stream becomes lower than that for the second data stream~~,~~

~~wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps~~.

2. (Original) A data transmission device according to claim 1, wherein said first data stream includes data relating to an electronic-commercial transaction.

3. (Original) A data transmission device according to claim 1, wherein said first data stream includes audio data and video data.

4. (Canceled)

5. (Currently Amended) A data transmission device according to claim <u>70</u> [[1]], wherein a transmission rate for said first data stream is about 2 Mbps.

6. (Currently Amended) A data receiving device comprising:

a receiver for receiving a multiplexed data stream, in which a first data stream, which is utilized after the first data stream is accumulated in a recording medium on a receiving side, and a second data stream including audio data and video data are multiplexed into the multiplexed data stream in such a manner that <u>the first data stream having a first coding rate is</u> <u>multiplexed into the second data stream by changing a transmission rate of the first data stream</u> <u>to a second coding rate lower than the first coding rate wherein</u> [[a]] <u>the</u> transmission rate for the first data stream becomes lower than that for the second data stream<u>;</u>

~~wherein a maximum combined transmission rate for said multiplexed data~~ ~~stream is 24 Mbps;~~

a separator for separating the multiplexed data stream, which has been received by the receiver, into the first data stream and the second data stream; and

a recorder for recording the first data stream, which has been separated by the separator, on a recording medium.

7.   (Original) A data receiving device according to claim 6, wherein said first data stream includes data relating to electronic-commercial transaction.

8.   (Original) A data receiving device according to claim 6, wherein said first data stream includes audio data and video data.

9.   (Canceled)

10.   (Currently Amended) A data receiving device according to claim <u>71</u> [[6]], wherein a transmission rate for said first data stream is about 2 Mbps.

11.   (Original) A data receiving device according to claim 6, wherein said recorder records a first data stream, which is in a field with a high user-viewing frequency, for preference.

12.   (Original) A data receiving device according to claim 6, wherein said recorder records a first data stream, which is in a field specified beforehand, for preference.

13.   (Original) A data receiving device according to claim 6, wherein said recorder includes a hard disk as a recording medium.

14.   (Original) A data receiving device according to claim 6, wherein said recorder comprises an outputter for outputting a user's viewing history visually.

15.   (Currently Amended) A transmission device comprising:

transmitting means for transmitting a <u>first</u> data stream, which includes audio data and video data, using a program broadcasting band, and transmitting a <u>second</u> data stream, which is utilized after [[this]] <u>the second</u> data stream is accumulated in a recording media on a receiving side, by allocating [[this]] <u>the second</u> data stream to a data broadcasting band <u>and a transmission rate of the second data stream is lower than a coding bit rate of the second data stream</u>; and

controlling means for controlling the program broadcasting band and the data broadcasting band so that a sum of the bands does not exceed a given bandwidth~~,~~

~~wherein a maximum sum of said program broadcasting band and said data broadcasting band is 24 Mbps.~~

16.   (Canceled)

17.   (Currently Amended) A receiving device comprising:

receiving means for receiving a broadcast in which a data stream including audio data and video data is transmitted using a program broadcasting band and other data stream, [[which]] <u>the other data stream</u> is utilized after [[this]] <u>the other</u> data stream is accumulated in a recording media on a receiving side, <u>the other data stream</u> is transmitted using a data broadcasting band to which [[this]] <u>the other</u> data stream is allocated, <u>a transmission rate of the</u>

other data stream is lower than a coding bit rate of the other data stream and the program

broadcasting band and the data broadcasting band are controlled so that a sum of the bands does

not exceed a given bandwidth,

~~wherein a maximum sum of said program broadcasting band and said data~~

~~broadcasting band is 24 Mbps~~;

separating means for separating the data stream, which has been allocated to the

data broadcasting band, from the broadcast that has been received by the receiving means; and

recording means for recording the separated data stream.

18.   (Canceled)

19.   (Currently Amended) A data transmitting method comprising the step of:

generating a first data stream that is utilized after the first data stream is

accumulated in a recording medium on a receiving side;

generating a second data stream that includes audio data and video data; and

multiplexing the first data stream at a first coding rate and additionally

multiplexing the first data stream having the first coding rate into the second data stream by

changing a transmission rate of the first data stream to a second coding rate lower than the first

coding rate;

transmitting [[a]] the multiplexed data stream that has been multiplexed from the

first data stream and the second data stream;

wherein said multiplexed data stream is multiplexed in such a manner that [[a]]

the transmission rate for the first data stream becomes lower than that for the second data stream,

~~wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps.~~

20.   (Original) A data transmitting method according to claim 19, wherein said first data stream includes data relating to electronic-commercial transaction.

21.   (Original) A data transmitting method according to claim 19, wherein said first data stream includes audio data and video data.

22.   (Canceled)

23.   (Currently Amended) A data transmitting method according to claim <u>74</u> [[19]], wherein a transmission rate for said first data stream is about 2 Mbps.

24.   (Currently Amended) A data receiving method comprising the step of:

receiving a multiplexed data stream that is multiplexed from a first data stream, which is utilized after the first data stream is accumulated in a recording medium on a receiving side, and a second data stream including audio data and video data in such a manner that <u>the first data stream having a first coding rate is multiplexed into the second data stream by changing a transmission rate of the first data stream to a second coding rate lower than the first coding rate wherein</u> a transmission rate for the first data stream becomes lower than that for the second data stream;

~~wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps~~

separating the multiplexed data stream, which has been received, into the first data stream and the second data stream; and

recording the first data stream, which has been separated, on a recording medium.

25.   (Original) A data receiving method according to claim 24, wherein said first data stream includes data relating to electronic-commercial transaction.

26.   (Original) A data receiving method according to claim 24, wherein said first data stream includes audio data and video data.

27.   (Canceled)

28.   (Currently Amended) A data receiving method according to claim 75 [[24]], wherein a transmission rate for said first data stream is about 2 Mbps.

29.   (Original) A data receiving method according to claim 24, wherein a first data stream, which is in a field with a high user-viewing frequency, is recorded for preference on said recording medium.

30.   (Original) A data receiving method according to claim 24, wherein a first data stream, which is in a field specified beforehand, is recorded for preference on said recording medium.

31.   (Currently Amended) A transmitting method comprising the step of:

transmitting a data stream including audio data and video data, using a program broadcasting band, and transmitting other data stream, which is utilized after [[this]] the other data stream is accumulated in a recording media on a receiving side, by allocating [[this]] the other data stream to a data broadcasting band and a transmission rate of the other data stream is lower than a coding bit rate of the other data stream; and

controlling the program broadcasting band and the data broadcasting band so that a sum of the bands does not exceed a given bandwidth~~,~~

~~wherein a maximum sum of said program broadcasting band and said data broadcasting band is 24 Mbps~~.

32.   (Canceled)

33.   (Currently Amended) A receiving method comprising the step of:

receiving a broadcast in which a data stream including audio data and video data is transmitted using a program broadcasting band and other data stream, [[which]] the other data stream is utilized after [[this]] the other data stream is accumulated in a recording media on a receiving side, the other data stream is transmitted using a data broadcasting band to which [[this]] the other data stream is allocated, a transmission rate of the other data stream is lower

than a coding bit rate of the other data stream and the program broadcasting band and the data

broadcasting band are controlled so that a sum of the bands does not exceed a given bandwidth,

~~wherein a maximum sum of said program broadcasting band and said data~~

~~broadcasting band is 24 Mbps,~~ and wherein

recording the data stream, which has been allocated to the data broadcasting band,

from the broadcast received by said receiving step.

34-69. (Canceled)

70.   (New) A data transmission device according to claim 1, wherein a

maximum transmission rate for said multiplexed data stream is 24 Mbps.

71.   (New) A data receiving device according to claim 6, wherein a maximum

transmission rate for said multiplexed data stream is 24 Mbps.

72.   (New) A transmission device according to claim 15, wherein a sum of

said program broadcasting band and said data broadcasting band is 24 Mbps.

73.   (New) A receiving device according to claim 17, wherein a sum of said

program broadcasting band and said data broadcasting band is 24 Mbps.

74.   (New) A data transmitting method according to claim 19, wherein a

maximum transmission rate for said multiplexed data stream is 24 Mbps.

                                                                    00486404

75.   (New) A data receiving method according to claim 24, wherein a

maximum transmission rate for said multiplexed data stream is 24 Mbps.

76.   (New) A transmitting method according to claim 31, wherein a sum of

said program broadcasting band and said data broadcasting band is 24 Mbps.

77.   (New) A receiving method according to claim 33, wherein a sum of said

program broadcasting band and said data broadcasting band is 24 Mbps.

00486404